

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1 and 3-8 are presently pending in this case. New Claims 6-8 are added by the present amendment. New Claims 6-8 are supported by the original claims, and thus no new matter is added.

In the outstanding Official Action, Claims 1 and 3-5 were rejected under 35 U.S.C. §103(a) as unpatentable over Itoh et al. (U.S. Patent No. 5,280,464, hereinafter “Itoh”) in view of Shikama et al. (U.S. Patent No. 4,789,978, hereinafter “Shikama”).

Applicants and Applicants’ representatives thank Supervisory Patent Examiner Young and Examiner Nguyen for the courtesy of the interview granted to Applicants’ representatives on June 23, 2009. During the interview, differences between the claims and cited references were discussed. Examiner Nguyen agreed that pending claims appeared to overcome the rejection of record.

The outstanding rejection is respectfully traversed.

Claims 1 and 3 recite in part:

a collimate lens configured to collimate optical beams outputted from a light source to parallel light; and  
an objective lens configured to collect the optical beams transferred to parallel light by the collimate lens and applying the beams to the optical disk,  
wherein mounting angles of the collimate lens and the objective lens are configured *such that a 0° direction astigmatism of the collimate lens and a 0° direction astigmatism of the objective lens are offset by each other* and a 45° direction astigmatism of the collimate lens and a 45° direction astigmatism of the objective lens are offset by each other.

Itoh describes a focus here correcting system including collimator lens 12, objective lens 21, and astigmatism generating element 80.<sup>1</sup> The outstanding Office Action again cited objective lens 21 of Itoh as “an objective lens” and astigmatism generating element 80 of Itoh as “a collimate lens.”<sup>2</sup> However, Itoh clearly describes that collimator lens 12 collimates the light from laser 11, and thus parallel light beams are incident on astigmatism generating element 80.<sup>3</sup> Accordingly, astigmatism generating element 80 of Itoh does not in fact collimate any light beams. Thus, astigmatism generating element 80 of Itoh cannot be “a collimate lens” as defined in Claims 1 and 3.

Moreover, Itoh clearly describes that astigmatism in the AS1 direction (respectfully submitted to be the 0° direction as defined by the present application) is necessary to measure the focus error signal. The device of Itoh only attempts to remove astigmatism in the AS2 direction. As clearly shown in Figure 5 of Itoh, significant astigmatism remains in the AS1 direction. Column 4, lines 40-52 of Itoh clearly describe that astigmatism in the AS1 direction is **not** necessarily corrected, as it has no effect on F/T crosstalk. In fact, column 4, lines 48-52 describe that one strategy for removing AS2 direction astigmatism is to direct it into the AS1 direction. Finally, column 4, lines 1-5 indicate that AS1 direction is not corrected by adjusting an optical element but by adjusting the distance between the laser 11 and the lens 12. Therefore, it is respectfully submitted Itoh does not teach or suggest “mounting angles of the collimate lens and the objective lens are configured such that 0° direction astigmatisms of the collimate lens and the objective lens are offset by each other” and in fact teaches to the contrary.

Further, Shikama does not cure any of these deficiencies of Itoh.

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<sup>1</sup>See Itoh, Figure 1 and column 2, lines 46-56.

<sup>2</sup>See the outstanding Office Action at page 2, lines 14-19.

<sup>3</sup>See Itoh, Figure 1 and column 2, lines 49-55.

Finally, as removing the astigmatism in the AS1 direction would cause the device of Itoh to be unsuitable for its intended purpose, there can be no suggestion or motivation to modify Itoh with any other reference to create the claimed invention.

Consequently, as the proposed combination does not teach “a collimate lens” and “an objective lens” as defined in Claims 1 and 3, and there is no suggestion or motivation to make the proposed combination, Claims 1 and 3 (and Claims 7 and 8 dependent therefrom) are patentable over Itoh in view of Shikama.

Claim 4 recites in part:

*adjusting of mounting angles of the collimate lens and the objective lens so that 0° direction astigmatisms of the collimate lens and the objective lens themselves are offset by each other*, based on the measured astigmatism of each of the collimate lens and the objective lens in mounting the collimate lens and the objective lens on the optical pickup.

As noted above, not only does Itoh fail to teach removing astigmatism in the AS1 direction, Itoh describes that removing astigmatism in the AS1 direction is unnecessary. In fact, Itoh describes that one strategy for removing astigmatism in the AS2 direction is to convert this into astigmatism in the AS1 direction. Further, Shikama does not cure these deficiencies of Itoh. Moreover, as removing the astigmatism in the AS1 direction would cause the method of Itoh to be unsuitable for its intended purpose, there can be no suggestion or motivation to modify Itoh with any other reference to create the claimed invention. Consequently, as the proposed combination does not teach “adjusting” as defined in Claim 4, and there is no suggestion or motivation to make the proposed combination, Claim 4 (and Claims 5 and 6 dependent therefrom) is patentable over Itoh in view of Shikama.

New Claims 6-8 are supported at least by the original claims. New Claims 6-8 are dependent on Claims 1, 3, and 4, and thus are believed to be patentable for at least the reasons described above with respect to these claims. Consequently, new Claims 6-8 are also patentable over Itoh in view of Shikama.

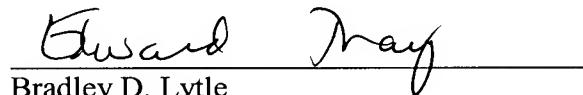
Application No. 10/579,797  
Reply to Office Action of April 29, 2009

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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